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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,542	10/08/2003	Frank P Carau SR.	10971611-6	7481

7590 05/20/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER	
PERVEEN, REHANA	

ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/681,542	CARAU ET AL.	
	Examiner	Art Unit	
	Rehana Perveen	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/8/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.3218 may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-13 are rejected under the judicially created doctrine of double patenting over claims 1-10 of U. S. Patent No. 6,651,118 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, and all of the claimed limitations of the application are present in the patent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terho et al, patent no. 6,119,180, in view of Gauvin et al, patent no. 5,790,800.

As to claim 1, Terho et al teach receiving a connection request from a source (command from application program 8 of computer 4, figure 9, col. 5 lines 20-29), receiving destination (intended receiver) communication information (telephone number) for a destination (col. 5 lines 20-29), receiving a communication message from the source (col. 5 lines 51-54), establishing a communication link with the destination (col. 5

lines 44-47), and transferring the communication message to the destination via the communication link (col. 6 lines 3-28).

However, Terho et al do not teach the source and destination being appliances. Terho et al's source is the computer 4 and destination is the mobile phone 6 (figure 9).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify teachings of Terho et al to incorporate the method for communication between various types devices including appliances, because Terho et al's proposed method of communication, when incorporated into prior existing appliance communication systems, would have provided improved transaction management and integrity in prior existing appliance-to-appliance communication systems.

Terho et al also do not explicitly teach storing the communication message in a data memory. Terho et al teach temporarily storing the communication message received from the source until the communication link is established and the communication message is sent to the destination (temporarily storing by the data adapter until sent to mobile phone 6, col. 6 lines 3-7).

Gauvin et al teach storing the communication message in a data memory (col. 2 lines 48-67 and col. 7 lines 26-44).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine teachings of Terho et al and Gauvin et al because Gauvin et al's storing the communication message, when incorporated into Terho et al's system, would have provided improved efficiency in Terho et al's communication system by enabling the improved system user to utilize the stored communication message for future attempts.

As to claim 2, Tehro et al teach receiving the communication message via a first communication technology, and establishing the communication link having a second communication technology, the second communication technology being different than the first communication technology (communication between a computer and a mobile phone having different communication technology, figure 9).

As to claims 3-5, neither Tehro et al nor Gauvin et al expressly teach establishing the communication link using an infrared I/O driver, a short-wave radio module, an analog cellular I/O module, a digital cellular I/O module, or an internet I/O driver. However, one of ordinary skill in the art at the time of the applicant's claimed invention, would have readily recognized that such communication link modules and drivers including their benefits and advantages have been notoriously well known in the prior art systems and thus rendering it obvious to utilize any one of the different prior existing link modules without affecting the scope of applicant's claimed invention.

As to claim 6, neither Tehro et al nor Gauvin et al expressly teach the source comprising one of a printer, a scanner, a facsimile machine, an overhead projector, an appliance storage device, and an appliance whiteboard. It would have been obvious for one of ordinary skill in the art at the time of the invention to modify teachings of Terho et al to incorporate the method for communication between various types devices including such specific types of appliances, because Terho et al's proposed method of communication, when incorporated into prior existing different types of appliance communication systems, would have provided improved transaction management and integrity in prior existing appliance-to-appliance communication systems.

Claims 7-13 are directed to the system implementing the method of claims 1-6. Tehro et al and Gauvin et al, in combination, teach the method as set forth in claims 1-6. Therefore, Tehro et al and Gauvin et al, in combination, also teach the system as set forth in claims 7-13.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rehana Perveen whose telephone number is 703-305-8476. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rehana Perveen
Primary Patent Examiner
Technology Center 2100